



December 20, 2021

Ms. Peggy Dorsey – Assistant Commissioner  
Office of Land Quality  
Indiana Department of Environmental Management  
100 North Senate Ave  
Indianapolis, IN 46204  
via email [PDorsey@idem.IN.gov](mailto:PDorsey@idem.IN.gov)

Re: Comments to the DRAFT Excess Liability Trust Fund Cost Guidance (Waste-0078-NPD)

Dear Ms. Dorsey:

Wilcox Environmental Engineering, Inc. (Wilcox) has reviewed the draft Excess Liability Trust Fund (ELTF) Cost Guidance and offers the following comments/requests for clarification. As provided in our December 16, 2021 email correspondence, we appreciate the opportunity to submit the below comments after the December 2, 2012 due date.

We understand that the purpose of this draft Nonrule Policy Document (NPD) document is to provide a process for expedited payment for certain claims submitted to the ELTF. The document then lists several ‘task-based’ reimbursement cost amounts.

**Question 1: What is the expected payment turn-around time under this “expedited” payment process for tasks covered by this NPD?**

**Question 2: Since ELTF labor rates are adjusted on an annual basis, how will these adjustments be reflected in the reimbursable costs provided in this NPD?**

The following tasks are covered by this NPD: drafting of Initial Site Characterization (ISC) reports; drafting of Further Site Investigation (FSI) reports; project planning and preparation of quarterly groundwater monitoring events; drafting of Quarterly Monitoring Reports (QMRs); monthly operation and maintenance costs (O&M); drafting of No Further Action (NFA) request reports; and ELTF claims preparation.

**Question 3: Do Scope of Work (SOW) forms still need to be prepared for those tasks covered by this NPD? Will claim forms still be required for the tasks covered by this NPD or simple lump sum invoices to be submitted for the amounts specified in this NPD?**

**Question 4: Will SOWs be required for field efforts and other tasks (e.g. Vapor Intrusion Reporting) not included in this NPD?**

**Question 5: For those tasks not covered by this NPD, would related claim submittals not be reviewed with the intent of meeting the 45-day response time outlined in IC 13-23-8-4? With IDEM’s current claim average of 151.77 days<sup>1</sup>, how will this NPD affect claim review turn-around time for tasks not covered in this NPD?**

<sup>1</sup> John Morris’s Financial Assurance Board meeting slide #1 for fiscal year 2021, dated October 28, 2021.

**Question 6: Why is Vapor Intrusion Reporting efforts not afforded an opportunity for an expedited claims review?**

As provided in Policy 4.3 – Project Planning and Preparation for a Quarterly Groundwater Monitoring Event, the reimbursable amount for this task is set at \$800.

**Question 7: Why is it necessary to cap the reimbursement costs for planning a quarterly monitoring event but not for the other tasks covered by this NPD (e.g. ISC and FSI work)?**

In several of the listed tasks, IDEM provides a variety of additional activities that may be needed for the subject task.

**Question 8: How will the costs associated with the additional level of effort be captured since they are not included in the task-based reimbursable costs provided in this NPD? Has IDEM contemplated a Change Order process to reflect the costs for these potential activities not accounted for in the task-based reimbursement costs provided in this NPD?**

As provided in Policy 4.4 – Preparation of a Quarterly Groundwater Report, the reimbursable amount for this task is set at \$1,600.

**Question 9: Wilcox has recently prepared several SOWs for Groundwater Reporting efforts that have already undergone scrutiny and revised downward as a result of IDEM commentary, yet the amount listed in this NPD is still about \$800 lower than these recent IDEM-approved SOWs for similar sized ~12 monitoring well sites. Based on input provided by IDEM during our recent SOW approval process, is IDEM willing to adjust the reimbursement amount to \$2,400 for the ‘base’ 12 monitoring well assumption to match the amount that IDEM has recently approved through the SOW process?**

**Question 10: For sites with greater than 12 monitoring wells, how will the costs associated with the additional data management and analysis be captured? As previously provided under Question 8, has IDEM contemplated a Change Order process to reflect the costs for these potential activities not accounted for in the task-based reimbursement costs provided in this NPD? Does a formal SOW need to be prepared for sites with greater than 12 monitoring wells?**

Thanks again for the opportunity to provide these comments. If you have any questions or require additional information, please contact our office at (317) 472-0999.

Sincerely,  
**Wilcox Environmental Engineering, Inc.**



Elizabeth McKinney  
ELTF Project Specialist



R. Scott Stoldt, CPG, LPG, PG  
Executive Director